

Patent
Case No.: 56829US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: LEE, ROBERT

Application No.: 10/028041

Group Art Unit: 3763

Filed: December 21, 2001

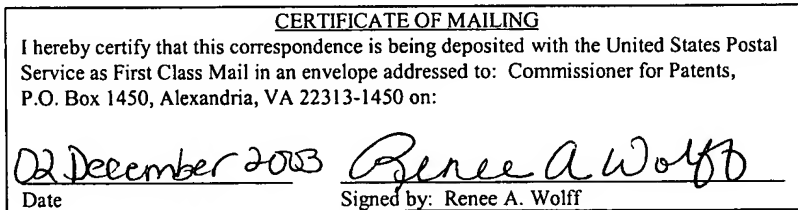
Examiner: Thanh, Loan H.

Title: SELF-VENTING MOVABLE SEAL AND PLUNGER

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Election
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

This is in response to the Office Action mailed November 3, 2003. Claims 1-23 are pending. Claims 1-7, 8-14 and 15-23 were restricted under 35 USC § 121 as follows:

- I. Claims 1-7 are said to be drawn to a method of filling, classified in class 604, subclass 500;
- II. Claims 8-14 are said to be drawn to a method of filling, classified in class 604, subclass 500;
- III. Claims 15-23 are said to be drawn to a device, classified in class 604, subclass 122.

The Examiner asserts that restriction between these groups of claims is appropriate because "Inventions I, II and III are related as product and process of use."

Election

In response, Applicants elect Group III, with traverse.

Applicants submit that Groups I, II, and III claims are so interrelated that a search of one group of claims will reveal art to the other. The Group I and II claims are broadly directed to a method of filling. The Group III claims are directed to a device that may be used to practice the method. A search and examination of prior art relevant to the method claims (Groups I and II) will involve essentially the same analysis as for the device claims (Group III). Thus, the

classification of Groups I and II and Group III claims in different subclasses is not sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I, II and III, a separate examination of the claims in these groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some slight additional consideration might be necessary for the Group I and II claims, the scope of analysis of novelty of all the claims of Groups I, II, and III would have to be as rigorous as when only the claims of Group III were being considered by themselves. Clearly, this duplication of effort is not warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Conclusion

Applicants have elected Group III. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

December 2, 2003
Date

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